## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

LAKISHA I	LOVE, etc.,			)			
		Plainti	ff,	)			
				)			
V.				)	No.	07 C	5714
				)			
FRONTIER	INSURANCE	COMPANY,	et al	.,)			
				)			
Defendants. )							

## MEMORANDUM OPINION AND ORDER

Counsel for plaintiff Lakisha Love ("Love") have tendered a document that they caption as "Notice of Dismissal," but the text of which is framed as a motion seeking the entry of an order of voluntary dismissal, as to codefendant National Indemnity Company ("National"). That notice has been scheduled by counsel for presentment on December 6, 2007, the date previously set by this Court to address the motions for dismissal that have been filed by National and the other codefendants in this action.

But that documentation is puzzling, for Fed. R. Civ. P. 41(a)(1)--which is expressly identified as the predicate for Love's voluntary dismissal--provides that a party's mere <u>filing</u> of a notice of dismissal is effective <u>without</u> the need for any court order, so long as the targeted party has not previously filed an answer or a motion for summary judgment. That is certainly true as to National.

Accordingly this Court is treating Love's dismissal of National as effective now, rather than deferring that matter

until December 6, and National's counsel need not appear at that time. Instead the December 6 setting will remain in effect, but solely for the purpose of addressing the pending notice of dismissal that has been advanced by the other defendants (collectively termed the "Frontier Defendants").

Milton I. Shadur

Senior United States District Judge

Date: November 28, 2007